

**Notice of Allowability**

Application No.

10/057,729

Examiner

Barry Choobin

Applicant(s)

MARCELPOIL ET AL.

Art Unit

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/05.
2. ☒ The allowed claim(s) is/are 1-13, 15-29, 53-65, 67-81, 106-117 and 119-132 (renumbered as claims 1-82).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/30/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kevin R. Lyn on 11/30/05.

The application has been amended as follows: **in claim 13, line 3**, after "dyes" please insert \_\_\_, comprising; determining a transmittance of a sample treated with the respective dye from a color image of the treated sample, the image comprising a plurality of pixels, in each of a red, green, and blue channel of an RGB color space and for each pixel of the image so as to form an RGB triplet for each pixel;

grouping the RGB triplets according to the minimum transmittance in the red,

green, and blue channels for the respective RGB triplet;

normalizing each group of RGB triplets by summing the transmittances in each of the respective red, green, and blue channels and then dividing each of the

summed transmittances by the number of RGB triplets in the respective

group so as to form respective normalized RGB triplets; and

tabulating the normalized RGB triplets according to the minimum transmittance

of each normalized RGB triplet so as to form the correspondence table for

the respective dye, the correspondence table extending in transmittance

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increments between 0% and 100% transmittance\_\_

**Please cancel claim 14.**

In claim 65, line 6, after "respective sample" and ";" insert \_\_ comprising;  
determining a transmittance of the sample treated with the dye from a color image of the  
respective treated sample, the image comprising a plurality of pixels, in each of a red,  
green, and blue channel of an RGB color space and for each pixel of the image so ms  
to form an RGB triplet for each pixel;

grouping the RGB triplets according to the minimum transmittance in the red,  
green, and blue channels for the respective RGB triplet;

normalizing each group of RGB triplets by summing the transmittances in each of  
the respective red, green, and blue channels and then dividing each of the summed  
transmittances by the number of RGB triplets in the respective group so as to form  
respective normalized RGB triplets; and

tabulating the normalized RGB triplets according to the minimum transmittance of  
each normalized RGB triplet so as to form the correspondence table for the respective  
dye, the correspondence table extending in transmittance

increments between 0% and 100% transmittance\_\_

Please cancel claim 66.

**In claim 106, lines 5, 9, 12 and 15 please delete "capable of" and insert  
\_\_configured for\_\_**

In claim 107, line 3 please delete "capable of" and insert \_\_configured for\_\_

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In claim 108, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 109, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 110, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 111, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 112, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 113, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 114, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 115, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 116, line 3 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 117, lines 2, 6 and 11 please delete "capable of" and insert *\_\_configured for\_\_*

In claim 117, line 10 after "camera" before "," insert *\_\_ comprising; determining a transmittance of a sample treated with the respective dye from a color image of the treated sample, the image comprising a plurality of pixels, in each of a red, green, and blue channel of an RGB color space of and for each pixel of the image so as to form an RGB triplet for each pixel; grouping the RGB triplets according to the minimum transmittance in the red, green, and blue channels for the respective RGB triplet; normalizing each group of RGB triplets by summing the transmittances in each of the respective red, green, and blue channels and then dividing each of the summed transmittances by the number of RGB triplets in the respective group so as to form respective normalized RGB triplets; and tabulating the normalized RGB triplets according to the minimum transmittance of each normalized RGB triplet so as to form*

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the correspondence table for the respective dye, the correspondence table extending in transmittance increments between 0% and 100% transmittance\_\_

Please cancel claim 118.

In claim 119, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 120, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 121, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 122, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 123, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 124, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 125, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 126, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 127, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 128, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 129, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 131, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

In claim 132, line 3 please delete "capable of" and insert \_\_*configured for*\_\_

**Please cancel claims 30-52, 82-105 and 133-154.**

## **STATUS OF CLAIMS**

**Currently claims 1-13, 15-29, 53-65, 67- 81, and 106-117, 119-132 are pending.**

### **REASON FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: as to independent claims 1, 13, 53, 65, 106 and 117, the closest prior art of Marcelpoil et al (US Publication 2003/0091221) alone or in combination with other prior art fails to teach or fairly suggest the method/apparatus as recited in independent claims 1, 13, 53, 65, 106 and 117. The key distinction between the closest prior art and instant claimed invention is that the prior art does not rely upon tabulating the normalized RGB triplets according to the minimum transmittance of each normalized RGB triplet so as to form the correspondence table for the respective dye, the correspondence table extending in transmittance increments between 0% and 100% transmittance, in combination with other elements of independent claims 1, 13, 53, 65, 106 and 117 as required by the claims.

Accordingly claims 1-13, 15-29, 53-65, 67- 81, and 106-117, 119-132 are allowed (renumbered as claims 1-82).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

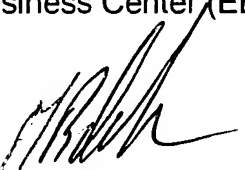
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### CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 571-272-7447. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU JINGGE can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barry Choobin  
11/30/05